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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,435

04/15/2004

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EXAMINER

PENG, FRED H

ART UNIT

PAPER NUMBER

2426

MAIL DATE

DELIVERY MODE

12/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,435	Applicant(s) YOON ET AL.	
	Examiner FRED PENG	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/24/2008</u> | 6) <input type="checkbox"/> Other: _____ |

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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/2008 has been entered.

DETAILED ACTION

Response to Arguments

2. Applicant's arguments filed 10/14/2008 have been fully considered but they are not persuasive.

Applicant argues on pages 8-9 of Remarks dated on 10/14/2008 that Lennon does not teach or suggest a search module for locating a method of accessing a program in a predetermined manner using a unique identifier assigned to each program in the received external digital content metadata after the received external digital content metadata is converted by the mapping module, as recited by claim 1.

The examiner respectfully disagrees with applicant's arguments. Lennon does teach or suggest a search module (212) for locating a method of accessing a program, in a predetermined manner using the unique identifier (Para 71; URI as a link to a program metadata) assigned to each program in the received external digital content metadata (Para 73 lines 1-4; non-XML compliance repository as in legacy Database 210) after the received external digital content metadata is converted by the mapping module (Para 73 lines 1-14; after non-XML metadata is converted by the metadata server to become XML metadata then transfer to XML browser).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-4, 6, 10-11, 13-15 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lennon et al (US 2002/0107973).

Regarding Claims 1 and 14, Lennon discloses an apparatus (FIG.2; comprising user terminal 101 and server side 212, 211, 210) with corresponding method operable to convert digital content metadata comprising:

a mapping module (212) for converting the received external digital content metadata into the digital content metadata peculiar to the network (Para 8 - Para 11; Para 73 lines 1-14); and

a search module (212) for locating a method of accessing a program, in a predetermined manner using the unique identifier (Para 71; URI as a link to a program metadata) assigned to each program in the received external digital content metadata (Para 73 lines 1-4; non-XML compliance repository as in legacy Database 210) after the received external digital content metadata is converted by the mapping module (Para 73 lines 1-14; after non-XML metadata is translated by the metadata server then transfer to XML browser).

Regarding Claims 3, 10, 13 and 20, Lennon further discloses the search module locates the program accessing method by use of a Uniform Resource Locator (URL) (Para 71, Para 74; URI is URL).

Regarding Claims 4 and 15, Lennon discloses a network apparatus (FIG.2, element 212) with corresponding method operable to convert digital content metadata comprising:

a metadata receiving unit for receiving digital content metadata external to the network (Para 9);

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a converter for converting the received external digital content metadata into the digital content metadata peculiar to the network by causing the external digital content metadata received in the metadata receiving unit to be mapped into the peculiar digital content metadata in a predetermined manner (Para 10 – Para 11) and by locating a method of accessing a program using a unique identifier assigned to each program in the external digital content metadata after the received external digital content metadata is mapped into the peculiar digital content metadata (Para 1; Para 71; Para 73 lines 1-14; after non-XML metadata is translated by the metadata server then transfer to XML browser); and

a storage unit for storing the converted digital content metadata therein to allow devices in the network to use the converted digital content metadata (FIG.2, element 210; Para 73; the Legacy Database is converted digital content metadata for legacy metadata usage).

Regarding Claim 6, Lennon further discloses a processing module for analyzing and using metadata which has not been mapped into properties supported by classes of digital content metadata peculiar to an existing network among external digital content metadata mapped into the digital content metadata peculiar to the network (Para 12).

Regarding Claim 11, the limitations have been analyzed and disclosed as in Claim 4 and Claim 6.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 2, 7-9, 12 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon et al (US 2002/0107973) in view of applicant's admitted prior art.

Regarding Claims 2, 7-9, 12 and 17-19, Lennon discloses the digital content metadata received external to the network can be any known metadata standard.

Lennon is silent about specific TV-Anytime metadata and Universal Play and Plug (UPnP).

In applicant's specifications, applicant admits both TV-Anytime and UPnP metadata are standards (page 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lennon's system to include TV-Anytime and UPnP as one of popular choices for content search.

7. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon et al (US 2002/0107973) in view of Sie et al (US 2002/0199188).

Regarding Claims 5 and 16, Lennon fails to disclose a metadata filtering unit for deleting a part or all of the converted digital content metadata stored in the storage unit according to a predetermined condition.

In an analogous art, Sie discloses deletion of metadata when corresponding digital content is deleted (Para 132).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lennon's system to include deletion of metadata when corresponding digital content is deleted, as taught by Sie as a common practice to maintain updated digital content database.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner

Vivek Srivastava
Supervisory Patent Examiner

/Annan Q Shang/
Primary Examiner, Art Unit 2424